

LATOYA MONROE, individually and on behalf of minor child, ZS,

Plaintiff,

V.

ALDINE INDEPENDENT SCHOOL
DISTRICT,

Civil Action No. _____

LATONYA M. GOFFNEY, in her individual and official capacity,

Defendants.

DEFENDANTS' NOTICE OF REMOVAL

Defendants Aldine Independent School District (“Aldine ISD” or the “District”) and LaTonya M. Goffney file this Notice of Removal, as follows:

I.

1. On December 7, 2023, Plaintiffs LaToya Monroe, individually and on behalf of her minor child, ZS, filed a lawsuit alleging gross negligence, Title IX, and Section 1983 violations: Cause No. 2023-84399, *LaToya Monroe, individually and on behalf of minor child, ZS v. Aldine Independent School District and LaTonya M. Goffney* (the “State Court Lawsuit”). [See Appendix at Exhibit 1]. This cause of action is currently pending in the 215th Judicial District Court of Harris County, Texas, located at 201 Caroline St., Houston, TX 77002.

2. The petition in the State Court Lawsuit asserts causes of action arising under the United States Constitution and federal statutes. [*Id.* at Exhibit 1 ¶¶ 32-61].

3. The District received a copy of Plaintiffs' petition and citation on December 13, 2023. The District filed its Answer on January 5, 2024. [*Id.* at Exhibit 4].

4. Plaintiff requested a jury trial in his petition. [*Id.* at Exhibit 1].

II.
GROUNDΣ FOR REMOVAL

5. Because Plaintiffs allege violations of federal law in their petition, Defendants remove this case on the basis of federal question jurisdiction in accordance with 28 U.S.C. §§ 1331, 1441(a), and 1446.

6. This Notice of Removal is timely filed as required by 28 U.S.C. § 1446(b) because it is being filed less than 30 days after receipt of the petition. As noted above, the District received a copy of the State Court Lawsuit on December 13, 2023.

7. Defendants are also entitled to remove any claims in the State Court Lawsuit arising under state law because, in any civil action in which the district court has original jurisdiction, it also has supplemental jurisdiction over “all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy[.]” 28 U.S.C. § 1337(a). Plaintiffs’ state law negligence claims are based on the same nucleus of facts that form the basis of their federal claims. Consequently, the claims are so related and identical that they form part of the same case or controversy, and the exercise of supplemental jurisdiction under § 1337 is proper.

8. Venue is proper in the Southern District of Texas under 28 U.S.C. § 1441(a) because the state court where the suit is pending is located in this District.

9. The District will promptly file a copy of this Notice of Removal, as an attachment to a Notice of Filing of Notice of Removal, with the clerk of the state court where the action has been pending.

III.
STATE COURT FILINGS

10. In accordance with 28 U.S.C. § 1446(a) and Local Rule 81, copies of the following items are attached to this Notice: (1) all executed process in the case, if any; (2) pleadings asserting causes of action and all answers to such pleadings; (3) all orders signed by the state judge, if any; (4) the

docket sheet; (5) an index of matters being filed; and (6) a list of all counsel of record, including addresses, telephone numbers, bar numbers, and parties represented. *See* Appendix.

IV.
CONCLUSION AND PRAYER

For these reasons, Defendants Aldine Independent School District and LaTonya M. Goffney request that this matter be removed to federal court, and pray that they be awarded all such other and further relief to which they have shown themselves entitled.

Respectfully submitted,

THOMPSON & HORTON LLP

By: /s/ Christopher B. Gilbert
Christopher B. Gilbert
State Bar No. 00787535
cgilbert@thompsonhorton.com
Alexa Gould
Texas Bar No. 24109940
agould@thompsonhorton.com

3200 Southwest Freeway, Suite 2000
Houston, Texas 77027
Telephone: (713) 554-6714
Facsimile: (713) 583-8884

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

On January 12, 2024, I electronically filed the foregoing document with the Clerk of the Court of the United States District Court for the Southern District of Texas, using the electronic case filing system of the Court. I hereby certify that I have served all counsel and/or pro se parties of record electronically using the CM/ECF filing system or by any other manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Christopher B. Gilbert

Christopher B. Gilbert